

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

REPUBLIC WASTE SERVICES OF §
TEXAS, LTD. §

Plaintiff, §

v. §

TEXAS DISPOSAL SYSTEMS, INC. §
Defendant. §

CIVIL ACTION NO.:

6:14-CV-00067-C

JURY TRIAL DEMANDED

ORDER

Pending before the Court is Defendant Texas Disposal Systems, Inc.'s Motion to Dismiss Pursuant to Rule 12(b)(6), Federal Rules of Civil Procedure filed on November 20, 2014. Having carefully considered the Motion and Plaintiff's Response to Defendant's Motion to Dismiss, the Court holds that Texas Health & Safety Code § 364.034(h) does not void the provision in Plaintiff's contract with the City of San Angelo, which provides Plaintiff the exclusive right to collect and haul construction and demolition waste within the City of San Angelo, at issue in this lawsuit. Accordingly, the Court finds that Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6), Federal Rules of Civil Procedure is DENIED in its entirety.

Sam R. Cummings
United States District Judge